

Supervisor Antonovich's Motion

Chief Administrative Officer's Memorandum

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

NOVEMBER 25, 2003

The Department of Health Services has been working to recruit the nursing staff necessary to meet the January 1, 2004, implementation date for the AB 394 Nurse Staffing Ratios. In the current budget forecast, DHS notes that its efforts to recruit nurses in order to comply with these ratios has been hampered by the current nationwide nursing shortage, and they have been unable to hire as many nurses as are needed.

With California's nursing shortage being the way it is today, it will be difficult to comply with AB 394. It is imperative to seek temporary relief of the new law to avoid impacting the availability of hospital services in County hospitals with specialty services, particularly emergency rooms and trauma centers, if nurses cannot be hired in a timely manner to meet the new nurse-to-patient ratio.

- M O R E -

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MOTION

MOLINA \_\_\_\_\_

BURKE \_\_\_\_\_

YAROSLAVSKY \_\_\_\_\_

ANTONOVICH \_\_\_\_\_

KNABE \_\_\_\_\_

Last Monday, Governor Schwarzenegger issued an executive order to suspend proposed State regulations and called for the review of all regulations adopted, amended, or repealed in the last five years. However, it is unclear if the new nurse-to-patient ratio is being reviewed.

~~I, **THEREFORE, MOVE** that the Board of Supervisors direct the Director of Health Services to report back by December 15, 2003, on its action plan to achieve compliance with the AB 394 Nurse Staffing Ratios. (APPROVED ON 11/25/03)~~

**I, FURTHER, MOVE** that the Board direct the Chief Administrative Officer to send a five-signature letter to the Governor to seek temporary regulatory and/or legislative relief for the nurse staffing mandates until the impact on capacity is fully understood on AB 394 Nurse Staffing Ratios.

# # #

MDA:rkrc



County of Los Angeles  
**CHIEF ADMINISTRATIVE OFFICE**

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DAVID E. JANSSEN  
Chief Administrative Officer

November 26, 2003

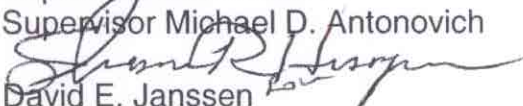
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YVONNE BRATHWAITE BURKE  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

To: Supervisor Yvonne Brathwaite Burke, Chair  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich  
From:   
David E. Janssen  
Chief Administrative Officer

**MOTION TO SEEK RELIEF FROM AB 394 NURSE STAFFING RATIO MANDATE  
(ITEM NO. 12, AGENDA OF DECEMBER 2, 2003)**

Item No. 12 on the December 2, 2003 Agenda is a motion by Supervisor Antonovich directing the Chief Administrative Officer to send a five-signature letter to the Governor seeking temporary regulatory and/or legislative relief from the January 1, 2004 implementation date for nurse staffing ratios mandated by AB 394 (Kuehl), until the impact of the measure on hospital capacity is fully understood.

AB 394, which was signed into law in 1999, required the California Department of Health Services to establish nurse staffing ratios for all public and private hospitals in California. Although Governor Schwarzenegger has issued an executive order to suspend and re-assess proposed State regulations which are not yet effective, it is not known if the AB 394 nurse staffing ratios will be suspended by this action.

The Department of Health Services (DHS) indicates that the nationwide shortage of nurses has hindered the Department's efforts to hire the number of nurses needed to comply with the new nurse staffing ratios. Because the nursing shortage is unlikely to abate soon, it will be difficult to meet the nurse staffing ratio requirements without diminishing the availability of hospital services in the County. Therefore, DHS recommends that the County seek temporary relief from the AB 394 nurse staffing ratio requirements, and we concur.

The County opposed AB 394 on March 18, 1999 because it would create an unfunded mandate, would be difficult to implement because of the nursing shortage, and would undermine patient care if hospitals were forced to limit the number of patients admitted in order to accommodate the ratio requirements. **Seeking temporary relief from the nurse staffing ratios mandated by AB 394 is consistent with the County's opposition to the measure.**

DEJ:GK  
MAL:JF:MS

c:     Executive Officer, Board of Supervisors  
       County Counsel  
       Department of Health Services